

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS PENSION FUND,
WELFARE FUND, ANNUITY FUND, and
APPRENTICESHIP, JOURNEYMAN RETRAINING,
EDUCATIONAL AND INDUSTRY FUND, TRUSTEES
OF THE NEW YORK CITY CARPENTERS RELIEF AND
CHARITY FUND, and THE CARPENTER
CONTRACTOR ALLIANCE OF METROPOLITAN NEW
YORK,

Plaintiffs,

-against-

ALITE FLOORING LLC and ALITE FLOOR LLC,

Defendants.

22 CV 0522 (PKC)

**PROPOSED DEFAULT
JUDGMENT**

The Complaint in this action having been duly served on the above-named Defendants ALITE FLOORING LLC and ALITE FLOOR LLC, and said Defendants having failed to appear in this matter, and said default having been duly noted, and upon the annexed Declaration of John M. Harras, Esq. with corresponding exhibits and Memorandum of Law, the Declaration of William Davidian with corresponding exhibits, the Statement of Damages, and all pleadings and papers heretofore had herein;

NOW, on the motion of Virginia & Ambinder, LLP, attorneys for Plaintiffs, it is hereby:

ORDERED, ADJUDICATED, and DECREED that Plaintiffs, have judgment, jointly and severally, against ALITE FLOORING LLC, with its principal place of business at 45 Route 46 East, Suite 604, Pine Brook, NJ 07058 and ALITE FLOOR LLC, with its principal place of business at 100 Eagle Rock Avenue, Suite 110, East Hanover NJ 07936, as follows:

1. Declaring that Alite Floor is the alter ego of Defendant Alite and/or that both Defendants constitute a single employer and that Alite Floor is bound to the CBAs for the same period of time and to the same extent as Alite, thus rendering Alite and Alite Floor jointly and severally liable for each other's obligations arising under the CBAs;
2. Awarding a judgment in favor of Plaintiffs and against Defendants, jointly and severally, in the amount of \$5,307,891.64, representing: the principal deficiency contained in the 2016-2019 Audit of \$90,713.38, interest thereon through May 19, 2022 in the amount of \$25,238.91, liquidated damages of \$18,142.68, and audit costs of \$28,272; the estimated principal delinquency for the period March 25, 2019

through September 14, 2021 in the amount of \$3,943,586.38, interest thereon through May 19, 2022 in the amount of \$410,427.31, and liquidated damages of \$788,717.28; and additional late payment interest of \$2,793.70;

3. Awarding interest owed on the foregoing principal amounts from May 19, 2022 through the date of judgment;
4. Awarding a judgment in favor of Plaintiffs and against Defendants, jointly and severally, in the amount of \$6,502.42, representing all reasonable attorneys' fees and costs incurred in this action;
5. Ordering Defendant Alite Floor to submit its books and records to the Funds for an audit covering July 12, 2016 through the present, within 30 days of the entry of the order for the purposes of determining whether Alite Floor complied with its obligation to remit benefit contributions to the Funds;
6. Allowing the Funds 30 days from the completion of the audit of Alite Floor to submit further evidence to the Court regarding damages identified as a result of the audit of Alite Floor's books and records from July 12, 2016 through the present; and
7. Awarding the Funds post-judgment interest at the statutory rate.



Hon. P. Kevin Castel, U.S.D.J.

6-14-22

This document was entered on the docket on